

# Item 3.1 - Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 13 December 2017

### Present:

Councillors Gardiner (Convener – items 7-9), Booth, Kate Campbell (substituting for Councillor Gardiner – items 1-6), Child, Dixon, Gordon (substituting for Councillor Ritchie), Griffiths, McLellan (substituting for Councillor Graczyk), Mitchell, Mowat, Osler and Staniforth.

### 1. Chair

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#### Decision

In the absence to the Convener (Councillor Gardiner), Councillor Child was appointed to the Chair for agenda items 1-6, the Convener (Councillor Gardiner) assumed the Chair for the rest of the meeting.

### 2. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications and pre-applications listed in Section 4, 6, 7 and 9 of the agenda for the meeting.

#### Requests for Presentations

The Chief Planning Officer gave presentations on the following items:

Item 4.1 – 11B Clarendon Crescent, Edinburgh, as requested by Councillors Osler and Mitchell.

Item 4.3 – 28 Dreghorn Link Edinburgh, as requested by Councillor Mitchell.

Item 4.4 – 11, 11A & 11B Gayfield Square, Edinburgh, as requested by Councillor Booth.

Item 4.5 – 30 - 30A Inverleith Terrace, Edinburgh, as requested by Councillor Osler.

Item 4.7 – 8C Moray Place, Edinburgh, as requested by Councillor Mowat.

#### Request for Site Visit

A request for a site visit for item 4.2 – 94 Craigrook Road Edinburgh - by Councillor Gardiner was considered.

A request for a site visit for item 4.5 – 30-30a Inverleith Terrace, Edinburgh – by Councillor Osler was considered.

### **Declaration of Interest**

Councillor McLellan declared a non-financial interest in item 7.3 – Myreside Road, Edinburgh - as a parent of a pupil at George Watsons School, a member of Watsonians Rugby Club and a member of Edinburgh Rugby, left the room and took no part in consideration of the item.

## **3. 98 Ocean Drive, Edinburgh (Land 120 Metres South East Of)**

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The Development Management Sub-Committee at its meeting on 8 November 2017 agreed that an application for planning permission for proposed residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (as amended) at 98 Ocean Drive, Edinburgh (Land 120 Metres South East Of) be dealt with by means of a hearing (application no 16/03684/FUL)

### **(a) Report by the Chief Planning Officer**

The site was located within the Leith strategic business centre and formed part of Edinburgh's strategic office land supply. The non-inclusion of major office development as part of the mixed use proposal was contrary to adopted Local Development Plan policy Emp 1 and Strategic Development Plan policy 2. The proposal was also contrary to LDP policy Del 3 because it was predominantly residential and not commercial led mixed use development.

The proposal would contribute 388 residential units (including 97 affordable homes) towards meeting Edinburgh housing needs and provide 29 commercial units suitable for a range of local services and small businesses. The proposal would develop a vacant urban site and bring economic benefits to Ocean Terminal and businesses in the area.

The proposal had no unacceptable impact on the character and appearance of the adjacent Conservation Area and listed buildings. It was acceptable in terms of design, scale, (albeit an increased density of development would be preferred on such a highly accessible site), layout, impact on the tram proposal, open space and amenity of future and neighbouring residents. Subject to appropriate developer contributions to tram, transport, education and healthcare facilities being secured through a legal agreement, impact on infrastructure was acceptable.

In summary, there were many positive aspects of this proposal. However on balance, these did not outweigh the conclusion that the mix and balance of uses proposed are contrary to the development plan. It was therefore recommended that the application was refused.

There were no overriding material considerations which outweighed this conclusion.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293963](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293963)

### **(b) Leith Harbour and Newhaven Community Council and The Moorings Resident's Association**

Jennifer Marlborough gave a presentation on behalf of Leith Harbour and Newhaven

Community Council.

She indicated that the Community Council agreed that the principle of this development was acceptable. There were some issues. This development had been ongoing for 20 months and during this process, there had been updates to the Local Development Plan, which made it difficult to identify specific issues, but CALA had been accommodating and had taken the views of the Community Council into consideration. There had been issues of design and scale, but these were now more acceptable in the amended proposals. There would still be views that would be obscured by some of the higher buildings. However, there would be sympathetic development, including stone coloured bricks and the re-submitted plans included landscaping, fencing and the retention of some of the trees. To address earlier concerns, the new plans proposed integrated affordable housing at an early stage of the development.

There was still some concern about transport, but consideration was given to open space, increased child play area and housing provision, which reflected the Council's place-making policy. Local amenity would benefit as unlike office development, housing would contribute to the community. Additionally, shop units could be used by various users. In principle, the Community Council supported CALA's vision and thought that the Sub-Committee should support the application.

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[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293963](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293963)

**(c) Ocean Terminal**

Michelle MacLeod gave a presentation on behalf of Ocean Terminal.

She indicated that this had been a challenging few years for Ocean Terminal, with very little demand for the use of commercial units. However, economic growth in the creative industries would increase new retail. The present demand for retail was poor and in near future, it was likely that shopping would vacate the city centre and this would create more void spaces in high streets and shopping centres. The proposed development would be lifeline to places like Ocean Terminal, which had tried to pursue sustainable development, including leisure and food. The CALA development was crucial to the long-term viability of existing retail in Leith and would give economic viability, whereas a purely office development would have no attractions. There were not many cities where shopping centres were presented with these opportunities. Leith needed more quality housing and more affordable housing. The critical mass was key and it would not detract from the shopping centre. It would provide a large mix of units that would complement each other.

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[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293963](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293963)

**(d) Councillor Adam McVey, Ward Member**

He thanked the Sub-Committee for being allowed to speak and he indicated that he would express the views of the community, who seemed to be content with the scheme. This was a strong application with a sense of place and it was an improvement on the current site a gap site. The policies detailed in the report justified refusal of the proposals, but it should also be asked if it was desirable to propose a large scale office

development. Community and building a sense of place was important and Ocean terminal was becoming the place for local residents to go for shopping.

There were two main issues that he wanted to raise. Firstly, the commercial alternative was predicated on the tram extension being delivered, however, the Council had not yet taken a decision on this. Even if the development progressed as planned, this would take five years and even if this took place, the demand for large scale office development on this site was not guaranteed. Secondly, the economy in the City was performing well and it was driving strong demand for housing. If the proposed development was approved, it would be windfall site to help address housing needs across City.

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[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293963](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293963)

**(e) Councillor Gordon Munro, Ward Member**

He thanked the Sub-Committee for allowing this hearing to take place. He remembered that this had been a prospective site for the Scottish Parliament and it was still derelict.

Previously, he had chaired the Waterfront Project and one of the issues that came out of this project was to promote community involvement, however, this had not been achieved. Part of the reason for this was that some officers seemed to think that there was no problem, however, elected members wanted change as there had been no progress. According to the Local Development Plan, there should be a revised approach, but this was still not evident. The apparent cynicism in the planning process was contained in the “Leith Creative” document, which was supposed to put people at the heart of planning applications. The use of space by artists in Leith had been a great success.

Referring to the conditions for refusal, he thought that the proposals should include a mix of uses and that creative artist space could be part of the Leith Creative. The Sea Cadets needed a new venue and this could be part of the future negotiations. He thought that the proposals had the potential to maximise the development potential of the area and to provide mixed used sustainable neighbourhoods that connected with each other. Therefore, the Sub-Committee should reject the officer’s recommendations and grant planning permission.

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[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293963](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293963)

**(g) Applicant and Applicant’s Agent – CALA Homes East**

Craig Lynes (CALA Homes, East), Craig Main (EMA Architects), Keith Anderson (Port of Leith Housing Association and member of Leith Chamber of Commerce), Craig Wallace and Craig Watson (Jones Lang Lassalle) spoke in favour of the development.

Craig Lynes thanked the elected members for the opportunity to contribute to the hearing. CALA with Forth Ports saw this significant vacant brownfield site as an opportunity to continue the regeneration of Leith’s Waterfront. It was apparent that the vision of grade A, office development in this location was not viable, therefore, CALA

decided to commit to a Detailed Planning Application which has resulted in 18 months of extensive key stakeholder engagement, and development refinement taking cognisance of feedback received.

Craig Main, summarised the design approach commended by officers and indicated that the development accorded with the Local Authority guidance on design, landscape, materials, height and density, transport and daylighting.

Keith Anderson, explained that while working for the City Council as a Head of Service for 10 years he was very involved in the process and proposal to support the regeneration of the City Waterfront in Leith and Granton. He was disappointed in the lack of development of the waterfront over the last 12 years and in that period the demand for affordable housing has grown significantly, therefore, the houses in the proposed development were needed now.

Craig Wallace outlined the site history and planning policy, drawing attention to the vacancy and underdevelopment of the site, the commitment of CALA to deliver high quality housing and the extensive consultation that had been carried out. He also highlighted, the unsuitability of large scale office development and CALA's proposals for suitable commercial development and the overall benefits of the proposals.

Craig Watson, provided details around the office market in Leith. He indicated that in respect of the office market, only 3% of total take-up in any one average year was transacted in Leith. The vast majority of demand was transacted in city centre locations. He outlined the type of office market that was typical in Leith, the need to recognise this, the unsuitability of large-scale development, and the current state of the economy in Leith.

In conclusion, the Sub-Committee was asked to support this application for much needed homes and appropriate flexible workspaces, to contribute to Leith and support the City's sustainable economic growth.

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## **Decision**

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in Appendix 2 to this minute.

Subject also to the following additional informatives:

- 1) Consideration to be given to the provision of car club spaces.
- 2) Consideration to be given to the provision of electric vehicle charging points.
- 3) Consideration to be given to facilitating connection to any future district heating scheme that may be implemented.

(Reference – Development Management Sub-Committee of 8 November 2018 (item 3); report by the Chief Planning Officer, submitted.)

## **Declaration of Interest**

Councillor McLellan declared a non-financial interest in the above item as he had commented

on the application, left the room and took no part in its consideration.

#### **4. 24C Learmonth Terrace, Edinburgh**

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Details were provided of proposals to extend existing flat and replace existing garages to form separate mews development to facilitate working from home at 24c Learmonth Terrace, Edinburgh – application no 17/03385/FUL.

Details were also provided of proposals for internal alterations to remove kitchen, bathroom, dividing walls and doors and form a new single storey rear extension and replace existing garages with 1 1/2 storey mews building at 24C Learmonth Terrace, Edinburgh – application no 17/03973/LBC

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that both the applications be refused.

The Convener ruled that in in terms of Standing Order 8.1 that a vote be taken for or against the following motion:

##### **Motion**

To continue consideration of the matter for a site visit.

- moved by Councillor Child, seconded by Councillor Dixon.

##### **Voting**

For the motion:

Councillor Booth, Child, Dixon, Gardiner and Mitchell - 5 votes.

Against the motion:

Councillor Gordon, Griffiths, McLellan, Mowat and Staniforth - 5 votes.

##### **Casting Vote**

The voting being equal, the Convener, used his casting vote in favour of the motion.

##### **Decision**

To continue consideration of the matter for a site visit.

(Reference – report by the Chief Planning Officer, submitted.)

##### **Declaration of Interest**

Councillor Osler declared a non-financial interest in the above item as she was a former resident of Learmonth Terrace left the room and took no part in consideration of the item

#### **5. 11B Clarendon Crescent, Edinburgh**

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Details were provided of proposals to partially take down existing out shot and erect new garden room. Minor internal alterations and relocation of existing kitchen (amendment to planning application 17/00672/FUL) at 11B Clarendon Crescent – application no 17/04377/FUL.

Details were also provided of proposals to partially take down existing out shot and erect new garden room. Minor internal alterations and relocation of existing kitchen – application no 17/04376/LBC.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that application no 17/04377/FUL be refused and that a mixed decision be issued in respect of application no 17/04376/LBC.

### **Motion**

To continue consideration of the matter for a site visit.

- moved by Councillor Osler, seconded by Councillor Mowat.

### **Amendment**

To determine the application at the present meeting of the Sub-Committee.

- moved by Councillor Booth, seconded by Councillor Gordon.

### **Voting**

For the motion:

Councillors Child, Gardiner, McLellan, Mitchell, Mowat, Osler and Staniforth – 7 votes.

For the amendment:

Councillor Booth, Dixon, and Gordon - 3 votes.

### **Decision**

To continue consideration of the matter for a site visit.

(Reference – report by the Chief Planning Officer, submitted)

## **6. 30-30A Inverleith Terrace, Edinburgh**

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Details were provided to restore original villa by combining two flats including alterations and extension to side and rear at 30-30A Inverleith Terrace, Edinburgh – application no 17/04163/FUL.

The Convener ruled that in in terms of Standing Order 8.1 that a vote be taken for or against the following motion:

### **Motion**

To continue consideration of the matter for a site visit.

- moved by Councillor Osler, seconded by Councillor Mitchell.

### **Voting**

For the motion:

Councillors Mitchell, Osler and Staniforth – 3 votes.

Against the motion:

Councillors Booth, Child, Dixon, Gardiner, Gordon, Griffiths, McLellan and Mowat - 8 votes.

### **Decision 1**

To determine the matter at the present meeting of the Sub-Committee.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

### **Decision 2**

To grant planning permission subject to, informatives as detailed in section 3 of the report by the Chief Planning Officer.

### **Dissent**

Councillor Osler requested that her dissent be recorded in respect of the decision 2 above.

(Reference – report by the Chief Planning Officer, submitted)

## Appendix 1

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>Item 4.1(a) - 11B Clarendon Crescent Edinburgh</p>	<p>Partially take down existing out shot and erect new garden room. Minor internal alterations and relocation of existing kitchen. (Amendment to Planning application 17/00672/FUL</p>	<p>To <b>CONTINUE</b> consideration of the matter for a site visit. (On a division.)</p>
<p>Item 4.1(b) - 11B Clarendon Crescent Edinburgh</p>	<p>Partially take down existing out shot and erect new garden room. Minor internal alterations and relocation of existing kitchen – application no 17/04376/LBC</p>	<p>To <b>CONTINUE</b> consideration of the matter for a site visit. (On a division.)</p>
<p>Item 4.2(a) - 95 Craigcrook Road Edinburgh</p>	<p>Demolition of auxiliary buildings and erection of new 60 bedroom care home - application no 17/01824/FUL</p>	<p>To <b>CONTINUE</b> consideration of the matter for a site visit.</p>
<p>Item 4.2(b) - 95 Craigcrook Road Edinburgh</p>	<p>Demolition of auxiliary buildings within grounds of listed castle: demolition of stables building, demolition of office extension. Alterations to existing, and erection of additional garden wall. All stonework to from the demolition of the stables to be re-purposed in new castle garden wall – application no 17/01823/LBC</p>	<p>To <b>CONTINUE</b> consideration of the matter for a site visit.</p>
<p>Item 4.3 - 28 Dreghorn Link Edinburgh</p>	<p>Erect new dwelling – application no 17/04296/FUL</p>	<p>To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.4(a) - 11 11a and 11b Gayfield Square Edinburgh	Demolition of existing building and erection of residential apartments (as amended) – application no 17/03392/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer.  Note : the tram contribution to be secured through the legal agreement was £29,000 (subject to indexation at date of payment) not £12,143 as stated in section 3 of the report.
Item 4.4(b) - 11 11a and 11b Gayfield Square Edinburgh	Demolition of existing building – application no 17/03393/CON	To <b>GRANT</b> conservation area consent subject to a condition as detailed in section 3 of the report by the Chief Planning Officer
Item 4.5 - 30 - 30a Inverleith Terrace Edinburgh	Restore original villa by combining two flats including alterations and extension to side and rear – application no 17/04163/FUL	1. To <b>AGREE</b> to determine the application at the present meeting of the Sub-Committee.  (On a division.)  2. To <b>GRANT</b> planning permission subject to, informatives as detailed in section 3 of the report by the Chief Planning Officer.  (Councillor Osler requested that her dissent be recorded).
Item 4.6 - 16 Larkfield Gardens Edinburgh	Erection of a sun lounge – application no 17/03001/FUL	To <b>GRANT</b> planning permission subject to, informatives as detailed in section 3 of the report by the Chief Planning Officer.
Item 4.7 - 8C Moray Place Edinburgh	Retrospective change of detail of a roof-top glass house comprising change from mono-pitch glass to two cupolas with upstands and edge gutters and installation of a glass balustrade – application no 17/04243/FUL	To <b>GRANT</b> planning permission

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.8 - New Street Edinburgh	Redevelopment/erection of office development and associated uses; landscaping/public realm, access and other associated works – application no 17/04118/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer.
Item 4.9 - Ocean Drive Edinburgh	Proposed distillery (sui generis) and ancillary uses, including visitor experience/tasting area and shop; office and restaurant, bar and use of the external yard for distillery-related servicing and storage – application no 17/04428/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer.
Item 4.10 - Pennywell Road Edinburgh	Approval of Matters Specified in Conditions of Application No. 17/00314/PPP relating to Phase 2 (Block 1) and Phase 3 (Block 3) of the Pennywell Muirhouse Civic Centre - Phased mixed use development comprising a total of 136 dwellings, shops and food & drink uses, landscaping, open space, access, drainage and other associated development – application no 17/04190/AMC	To <b>APPROVE</b> the application subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.
Item 4.11 - 1 Prospect Bank Road Edinburgh.	Proposed storey and a half extension to rear of property and vehicle run-in to front – application no 17/04045/FUL	To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.
Item 4.12 - West Harbour Road Edinburgh	Approval of Matters Specified in Conditions on outline application 01/00802/OUT regarding the erection of a healthcare superhub and six units in Class 1, Class 2 and Class 3 use (as amended) – application no 17/02865/AMC	To <b>REFUSE</b> the application for the reasons detailed in section 3 of the report by the Chief Planning Officer

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.13 - 1 - 15 Winton Gardens Edinburgh	Residential and associated development (as amended) – application no 17/00108/FUL	To <b>REFUSE</b> the application for the reasons detailed in section 3 of the report by the Chief Planning Officer
Item 6.1 - 98 Ocean Drive Edinburgh	Protocol Note	Noted.
Item 6.2 - 98 Ocean Drive Edinburgh	Planning permission for proposed residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary commercial/retail units and associated works (as amended) – application no 16/03684/FUL	<p>To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in Appendix 2.</p> <p>Subject also to the following additional informatives</p> <ol style="list-style-type: none"> <li>1. Consideration to be given to the provision of car club spaces.</li> <li>2. Consideration to be given to the provision of electric vehicle charging points.</li> <li>3. Consideration to be given to facilitating connection to any future district heating scheme that may be implemented.</li> </ol>
Item 7.1 - 6, 8, 13, 15, 18 - 20, 21, 28 Kings Stables Road 2 Lady Wynd Edinburgh	Mixed use development comprising flats, student accommodation, hotel, arts facility and class 1, 2 and 3 uses, involving the erection of new buildings, alteration of existing buildings, partial demolition and change of use of ground floor of existing tenement building (as amended) – application no 15/05715/FUL	To <b>APPROVE</b> the proposed materials.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 7.2(a) - 24C Learmonth Terrace Edinburgh	Extend existing flat and replace existing garages to form separate mews development to facilitate working from home – application no 17/03385/FUL	To <b>CONTINUE</b> consideration of the matter for a site visit.  (On a division.)
Item 7.2(b) - 24C Learmonth Terrace Edinburgh	Internal alterations to remove kitchen, bathroom, dividing walls and doors and form a new single storey rear extension and replace existing garages with 1 1/2 storey mews building – application no 17/03973/LBC	To <b>CONTINUE</b> consideration of the matter for a site visit.  (On a division.)
Item 7.3 - Myreside Road Edinburgh	Erection of two spectator stands, disabled viewing platform, television gantry, hospitality marquee, retail marquee, food and drink units, toilet facilities, and associated works/infrastructure – application no 17/04240/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer

## **Appendix 2**

### **Waterfront Plaza 16/03684/FUL**

#### **Draft Conditions and Developer Contributions**

##### **Materials**

Prior to the commencement of the construction of the superstructure or above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Planning Authority.

Reason: In order to ensure the adequacy of external building materials.

##### **Archaeology**

No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement & interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: In order to safeguard the interests of archaeological heritage.

No development shall take place on the site until detailed foundation designs and an archaeological mitigation strategy to ensure the preservation of the Old West (Queen's) Dock, associated dry docks and fortifications have been submitted for approval by the Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In order to safeguard the interests of archaeological heritage.

##### **Noise**

Prior to occupation of the residential units, the noise protection measures defined in Table 3 of the Airshed Environmental Noise Impact Assessment (AS 0547 Victoria Quay Noise Rev03) dated 22 July 2016 shall be carried out in full. For the avoidance of doubt this requires all windows with a direct view of Ocean Drive to be fitted with glazing with a minimum sound reduction index of 35 dB Rw and a trickle vent with a minimum sound reduction index of 42 dB Dne.

Reason: In order to safeguard the amenity of occupiers.

##### **Contaminated land**

- i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

## **Landscape**

The approved landscaping scheme shall be fully implemented within six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that the approved landscaping works are properly established on site.

## **Use Class Restriction**

Use of the commercial units associated with *Blocks A,B,C and D* shall be restricted to Class 1, 2 or Class 4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only and for no other purpose without the written consent of the Planning Authority.

Reason: To define the terms of the permission.

## **LEGAL AGREEMENT**

A legal agreement is required and must be signed before planning permission is granted for the following developer contributions

### Transport

#### *Tram:*

Development is in Zone 1 for contributions.

Residential - £557,971

Retail – £138,000

Pubs / restaurant - £17,000

Total - £712,971

#### *North Edinburgh Contribution Zone:*

£1345.9 per residential unit

£80.8 per m<sup>2</sup> for retail/business

Plus any relevant TROs at £2000 each

### Healthcare

£1050 per residential unit

### Education

Total infrastructure contribution required: £1,566,636

Total land contribution required: £98,856

### Affordable Housing

25%